

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

Food Lion, LLC, and Maryland and
Virginia Milk Producers Cooperative
Association, Inc.,

Plaintiffs,

v.

Dairy Farmers of America, Inc.,

Defendants.

Case No. 1:20-cv-00442

DECLARATION OF AMBER L. MCDONALD

I, Amber L. McDonald, declare as follows:

1. I do swear and affirm that I am more than 18 years of age, that I am of sound mind, and that I am otherwise competent to give this Declaration.

2. I am counsel for Dairy Farmers of America, Inc. (“DFA”), in the above-captioned action.

3. This declaration is based on my personal knowledge and/or my review of correspondence and documents produced in this case.

A. DFA’s Document Production

4. On July 17, 2020, DFA served its written responses and objections to Plaintiffs’ First Requests for Production of Documents (“Plaintiffs 1st

RFPs”). That same day, DFA produced raw milk sales data for North and South Carolina for the time period from January 2017 to May 2020.

5. In response to Plaintiffs’ RFP No. 1, DFA produced over 18,000 pages of documents relating to raw milk or fluid milk produced or sold in North and South Carolina that were previously produced to the Department of Justice and/or state Attorneys General.

6. On August 7, 2020, DFA produced documents responsive to Plaintiffs’ RFP Nos. 2 and 6, and supplemented its raw milk sales data to include data for Virginia, North Carolina, South Carolina, Georgia, and part of Tennessee, for the period from January 1, 2017 through June 30, 2020.

7. On August 10, 2020, DFA produced data responsive to Plaintiffs’ RFP No. 8.

8. On August 14, 2020, DFA produced documents responsive the Plaintiffs’ RFP Nos. 5 and 8, and produced a copy of DFA’s Hart-Scott-Rodino filing with the Justice Department.

9. On August 20, 2020, DFA made a production of documents that included additional materials produced to the DOJ (RFP No. 1) and supplemented the previous raw milk sales data with July 2020 data (RFP No. 8).

10. On August 31, 2020, DFA produced documents responsive to Plaintiffs' RFP Nos. 1, 2, and 8.

B. Plaintiffs' Document Production

11. On July 10, 2020, DFA served its First Requests for Production of Documents to Food Lion and its First Requests for Production of Documents to MDVA (together, "DFA's First RFPs").

12. MDVA and Food Lion served their responses to DFA's First RFPs August 10, but neither Plaintiff made any production of documents with its response.

13. On August 14, 2020, Food Lion produced 33 documents responsive to Request No. 11, and MDVA produced 12 documents responsive to Requests No. 1.

14. On August 21, 2020, Food Lion produced 27 documents responsive to Request No. 1, and MDVA produced 23 documents, responsive to Request Nos. 2, 3, and 12.

15. As of the filing of this declaration, Plaintiffs have produced a total of 95 documents. Of the 95 documents Plaintiffs produced, 88 are communications with DOJ or documents cited by Professor Shor in his declaration filed with the Complaint.

16. Along with other counsel for DFA, I participated in a telephonic meet-and-confer with counsel for MDVA and Food Lion on August 17, 2020 regarding MDVA and Food Lion's responses to DFA's 1st RFPs. During that meet-and-confer, counsel for MDVA and Food Lion indicated that they intend to wait to begin custodian and search term-based review until all written discovery is served.

C. Exhibits

17. Attached hereto as **Exhibit 1** is a true and correct copy of Plaintiffs' Combined Second Requests for Production of Documents (the "Second RFPs"), served on July 27, 2020.

18. Attached hereto as **Exhibit 2** is a true and correct copy of an August 18, 2020 letter from Brent F. Powell to counsel for Food Lion and MDVA.

19. Attached hereto as **Exhibit 3** is a true and correct copy of an August 24, 2020 letter from Brent F. Powell to counsel for Food Lion and MDVA.

20. Attached hereto as **Exhibit 4** is a true and correct copy of an August 26, 2020 e-mail from Carter Simpson to Brent F. Powell.

21. Attached hereto as **Exhibit 5** is a true and correct copy of DFA's objections and responses to the Second RFPs, served on August 26, 2020.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on September 1, 2020.

/s/ Amber L. McDonald
Amber L. McDonald